

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

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|-------------------------------------|---|-----------------------|
| DR. SHAMIK BHATTACHARYA, PHD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | No. 1:22-cv-00043-MTS |
| THE BOARD OF REGENTS SOUTHEAST |) | |
| MISSOURI STATE UNIVERSITY, et. al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

MOTION TO DISMISS PLAINTIFF'S COMPLAINT
FOR DAMAGES AND EQUITABLE RELIEF

COMES NOW Defendant, Board of Governors, Southeast Missouri State University and individually named Defendants Edward P. Gargas, Tina L. Klocke, David C. Martin, Lloyd F. Smith, James P. Limbaugh, Vivek Malik, Dr. Carlos Vargas, Dr. Mike Godard, Dr. Tamela Randolph, Dr. Bradley Deken, and Alissa Davis, by and through counsel, and hereby respectfully request that this Court grant this Motion to Dismiss Plaintiff Dr. Shamik Bhattacharya's Complaint under Federal Rule 12(b)(6) for failure to state a claim upon which relief may be granted. Each of Plaintiff's claims on their face demonstrate that Plaintiff's is not entitled to the relief sought.

WHEREFORE, Defendant Board of Governors, Southeast Missouri State University and individually named Defendants Edward P. Gargas, Tina L. Klocke, David C. Martin, Lloyd F. Smith, James P. Limbaugh, Vivek Malik, Dr. Carlos Vargas, Dr. Mike Godard, Dr. Tamela Randolph, Dr. Bradley Deken, and Alissa Davis respectfully requests an order dismissing all counts of Plaintiff's Complaint and for any such further relief this Court deems necessary and proper.

ARMSTRONG TEASDALE LLP

By: /s/ Brittney J. Herron

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2022, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Brittney J. Herron